

**Louisville Metro Smoke-Free
Ordinance No. 123, Series 2005
Frequently Asked Questions (FAQ's)**

1. Q: What businesses must ban smoking?

A: Factories, office buildings, convenience stores, restaurants and most other businesses must either ban smoking or allow it only in a separate room that is independently ventilated.

2. Q: What is an independently ventilated enclosed smoking area?

A: A room constructed to allow smoking, but prevent any mixture of air between the smoking area and non-smoking area. The smoking area cannot include any common area such as hallway, restroom, etc... Certification of such room can only be done through a letter from a licensed, professional engineer, which must be submitted to the Louisville Metro Health Department, Division of Environmental Health and Protection.

3. Q: What businesses are exempt?

A: Freestanding bars, restaurants with bars where alcohol sales account for more than 25% of gross revenue, Churchill Downs, Trackside (Sports Spectrum), halls rented for private functions, retail tobacco shops, facilities operated by private organizations, and tobacco warehouses.

4. Q: Will churches be required to comply with the ordinance?

A: Churches for the purposes of this ordinance are considered private organizations. Therefore, functions held for its members, as well as fund raising events held on church property will be exempt from this ordinance. However, any fundraising events held at another location in which the public is invited will be covered by this ordinance and smoking will not be permitted.

5. Q: Are Bingo Halls considered private organizations?

A: No. These facilities are profit oriented and invite the public; therefore, they must comply with the smoking ban or install an enclosed smoking area, which is separately ventilated per Ordinance No. 123, series 2005.

6. Q: When will the restrictions take effect?

A: November 15, 2005

7. Q: How will I know if a facility is smoke free?

A: Businesses that are smoke free must post signage that states "No Smoking" or have the international symbol for No Smoking.

8. Q: Can facilities be cited for not posting signage or having ashtrays at smoke free establishments?

A: Yes, the law states that all ashtrays shall be removed and applicable signage must be posted in order for facilities to be in compliance with the ordinance.

9. Q: Can I step outside a restaurant and smoke?

A: Yes, as long as you remain a reasonable distance from any entrance to prevent smoke from entering the building through a window, door, or the ventilation system.

10. Q: Does this ban apply to covered patios or areas covered by canopies?

A: The law defines a building as any structure that is covered overhead and has 80% or more of the perimeter enclosed by walls. If the structure is not enclosed, then smoking restrictions are not required.

11. Q: Who will enforce the law?

A: The Louisville Metro Health Department's Division of Environmental Health and Protection will investigate complaints as they are received. Although most smoke-free laws are self-enforcing, occasionally compliance with the law becomes an issue. If so, enforcement shall be by citation.

12. Q: Who can be cited for violating the law?

A: Individual offenders as well as the building owner, lessee, principal manager, or person in control of a building or establishment.

13. Q: What should I do if someone refuses to stop smoking in my establishment?

A: You should ask them to leave the establishment. If they refuse to leave, contact the Louisville Metro Police Department to report a criminal trespass complaint.

14. Q: What are the penalties for breaking this law?

A: First Offense - \$50 to \$100 fine
Second Offense - \$150 - \$250 fine
Third Offense - \$350 - \$500 fine

15. Q: If I want to become a private club/organization, can I convert my business and charge a membership fee and be exempt?

A: Only if your establishment maintains a selective membership, is operated by its members, does not provide food for pay to anyone who is not a member or a member's guest, and the business is not profit oriented.

16. Q: Why are government buildings allowed to have smoking rooms?

A: In 1994, the Kentucky State Legislature passed a law requiring smoking rooms in all government buildings.

17. Q: Do government buildings have to abide by the smoking ban?

A: No, Federal law has prohibited smoking in federal buildings since 1993, except in areas with separate ventilation systems. State law prohibits local governments from banning smoking in most state and local government buildings.

18. Q: Does the ban prohibit smoking in public parks or other outdoor arenas?

A: No, outdoor spaces are not covered by this ban.

19. Q: How do I report a violation of the smoking ban?

A: Contact Metro Call at 311 or 574-5000.

20. Q: Where can I get No Smoking signs?

A: Sample smoking signs will be made available on the Health Department website at <http://health.loukymetro.org/>. Signs meeting the requirement of the ordinance, must say "NO SMOKING" in letters 1 inch high or show the international No Smoking Symbol, which is 3 inches high. These can be purchased through sign companies throughout the community.

21. Q: Whom do I contact for information about quitting smoking?

A: You may contact the Tobacco Prevention and Cessation Program at 574-5313 or by email at www.stopsmoking@louisvilleky.gov.

22. Q: What if I have questions regarding my building or business?

A: Specific questions can be address to the Division of Environmental Health and Protection at 574-6650 between 8:00 a.m. and 5:00 p.m.

23. Q: Will bowling alleys have to comply with the smoking ordinance?

A: Yes. Bowling alleys will be required to comply with the smoking ordinance. However, per the ordinance, smoking will be allowed within any freestanding bar which may reside within a bowling alley. Smoking will not be allowed in any other area.